

ASSEMBLY BILL

No. 1187

Introduced by Assembly Member DeSaulnier

February 23, 2007

An act to amend Sections 7370, 8371, 12002.3, and 12006 of the Fish and Game Code, relating to fish.

LEGISLATIVE COUNSEL'S DIGEST

AB 1187, as introduced, DeSaulnier. Sturgeon: penalties.

(1) It is generally unlawful to sell or purchase any fish or amphibia taken in, or brought into, the waters of the state, or brought ashore at any point in the state, except as provided by the Fish and Game Code, and by regulation. Further, it is generally unlawful to buy, sell, or possess in any place of business where fish are bought, sold, or processed, any fish or amphibia taken on any boat, barge, or vessel that carries sport fishermen. A violation of that section is generally punishable by a fine of not less than \$2,000 or more than \$7,500.

This bill, would impose a penalty of not less than \$15,000 or more than \$40,000 on a person required to have a sportfishing license, for a violation of those provisions involving the illegal sale or purchase of sturgeon.

(2) Under existing law, except as specified, it is unlawful to buy or sell, or to offer to buy or sell, a whole sturgeon, or any part thereof, including eggs, or to possess sturgeon, or parts thereof, including eggs, in any place where fish are bought, possessed for sale, or sold, or where food is offered for sale, or in any truck or other conveyance operated by or for a place so selling or possessing fish.

This bill would make a violation of that provision subject to a fine of not less than \$15,000 or more than \$40,000, or imprisonment in a county

jail not to exceed one year, or both the fine and imprisonment. The bill would require a court to permanently revoke any commercial fishing license, commercial fishing permit, or sportfishing license issued to the violator by the Department of Fish and Game, and would authorize the seizure and forfeiture of any vessel, diving or other fishing gear or apparatus, or vehicle used in the commission of an offense. The bill would provide that not less than 50 percent of the revenue deposited in the Fish and Game Preservation Fund from fines and forfeitures are to be allocated for the support of the Special Operations Unit of the department, and used for law enforcement purposes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7370 of the Fish and Game Code is
2 amended to read:

3 7370. ~~Except as provided in Section 7230 or 8371, it~~ It is
4 unlawful to buy or sell, or to offer to buy or sell, a whole sturgeon,
5 or any part thereof, including eggs, or to possess sturgeon, or parts
6 thereof, including eggs, in any place where fish are bought,
7 possessed for sale, or sold, or where food is offered for sale, or in
8 any truck or other conveyance operated by or for a place so selling
9 or possessing fish: *except as follows:*

10 (a) *A sturgeon, or parts thereof, that is taken or possessed by,*
11 *and is the cultured progeny of, an aquaculturist who is registered*
12 *under Section 15101, may be sold or purchased subject to*
13 *regulations of the commission.*

14 (b) *A sturgeon, or parts thereof, that is taken legally in another*
15 *state that permits the sale of the fish and lawfully imported under*
16 *Section 2363, may be possessed, sold, or purchased.*

17 (c) *Sturgeon, or parts thereof, taken pursuant to a sportfishing*
18 *license in accordance with Section 7230.*

19 SEC. 2. Section 8371 of the Fish and Game Code is amended
20 to read:

21 8371. ~~Notwithstanding Section 7364 or 7370, striped~~ Striped
22 ~~bass or sturgeon,~~ bass or sturgeon, or parts thereof, may be sold *only* under the
23 following conditions:

24 (a) If the striped bass ~~or sturgeon,~~ or parts thereof, is taken or
25 possessed by, and is the cultured progeny of, an aquaculturist who

1 is registered under Section 15101, that striped bass ~~or sturgeon~~
2 may be sold or purchased subject to regulations of the commission.

3 (b) If the striped bass ~~or sturgeon~~, or parts thereof, is taken
4 legally in another state ~~which~~ *that* permits the sale of that fish and
5 if the fish is lawfully imported under Section 2363, the striped
6 bass ~~or sturgeon~~, or parts thereof, may be possessed, sold, or
7 purchased.

8 SEC. 3. Section 12002.3 of the Fish and Game Code is
9 amended to read:

10 12002.3. (a) Notwithstanding any other provision of law, a
11 violation of Section 7121 for the sale, purchase, or receipt of fish
12 taken by a person required to be licensed pursuant to Section 7145
13 is punishable by a fine of not less than two thousand dollars
14 (\$2,000) or more than seven thousand five hundred dollars
15 (\$7,500), except as provided in subdivisions (b) and (c).

16 (b) If the violation in question involved the illegal sale or
17 purchase of abalone *or sturgeon* taken by a person required to be
18 licensed pursuant to Section 7145, the violation is punishable by
19 a fine of not less than fifteen thousand dollars (\$15,000) or more
20 than forty thousand dollars (\$40,000).

21 (c) If the violation in question involved a person who knowingly
22 purchased or received for commercial purposes, fish taken by a
23 person required to be licensed pursuant to Section 7145, the
24 violation is punishable by a fine of not less than seven thousand
25 five hundred dollars (\$7,500) or more than fifteen thousand dollars
26 (\$15,000).

27 SEC. 4. Section 12006 of the Fish and Game Code is amended
28 to read:

29 12006. Notwithstanding Section 12002, the punishment for a
30 violation of Section 7370 ~~or 8371 as that section relates to sturgeon~~
31 ~~is a fine not to exceed five thousand dollars (\$5,000); imprisonment~~
32 ~~in the county jail not to exceed one year; or both the fine and~~
33 ~~imprisonment. is a fine of not less than fifteen thousand dollars~~
34 ~~(\$15,000), or more than forty thousand dollars (\$40,000),~~
35 ~~imprisonment in a county jail not to exceed one year, or both the~~
36 ~~fine and imprisonment. The court shall permanently revoke any~~
37 ~~commercial fishing license, commercial fishing permit, or~~
38 ~~sportfishing license issued to the violator by the department. Any~~
39 ~~vessel, diving or other fishing gear or apparatus, or vehicle used~~
40 ~~in the commission of an offense subject to this section may be~~

1 *seized and may be ordered forfeited by the court pursuant to*
2 *subdivision (c) of Section 12157. Not less than 50 percent of the*
3 *revenue deposited in the Fish and Game Preservation Fund from*
4 *finer and forfeitures collected pursuant to this section shall be*
5 *allocated for the support of the Special Operations Unit of the*
6 *department, and used for law enforcement purposes.*

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